

REMARKS

Status Of Application

Claims 1-10 are pending in the application; the status of the claims is as follows:

Claims 2-10 are withdrawn from consideration.

Claim 1 is objected to because of informalities.

Claim 1 is rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,700,607 B1 to Misawa ("Misawa").

Objection to Claim 1

The object to claim 1 is respectfully traversed based on the following.

On May 10, 2006, the undersigned telephoned Examiner Misleh to discuss the objection to claim 1 that was raised in the Office Action. During the discussion, Examiner Misleh explained that for the purposes of a restriction of an application to a single species of the invention, the species of the invention are determined by the application drawings. It is respectfully submitted that, while it may be expedient in many cases to correlate species of the invention with drawings, it is not necessarily a one-to-one correspondence.

MPEP § 806.04(e) states that "[t]he scope of a claim may be limited to a single disclosed embodiment (*i.e.*, a single species, and thus be designated a *specific species claim*), or a claim may include two or more of the disclosed embodiments within the breadth and scope of the claim (and thus be designated a *generic or genus claim*)" (*Underline added*). Clearly, the MPEP contemplates that species are defined by the various embodiments of the invention disclosed in the patent application. When the embodiments of an invention are each shown in a drawing, then requiring a restriction to a species shown in a single figure may be appropriate. However, when the disclosed

embodiments of the invention encompass multiple figures taken in combination, then restriction to a single figure cannot be proper.

In the present application, the specification describes various embodiments of a digital camera which can use multiple methods to read an image from the image sensor. A specific method is selected based on an operating mode of the camera (*e.g.*, obtaining an image for display or for recording), a degree of digital zoom (*e.g.*, whole-frame or partial-frame recording mode), and a display magnification. The drawings of the present application are provided to facilitate the description of the various methods of reading the image sensor. Specifically:

- Figs. 6-8 correspond to reading image data for recording, *i.e.*, a picture is being taken, without any digital zoom (whole-frame mode). *See* page 20, lines 8-19.
- Figs. 9-10 correspond to reading image data for display (*i.e.*, “unless an instruction to record is given”) without digital zoom (whole-frame mode) and with unity display magnification. *See* page 20, lines 20 to page 21, line 19.
- Figs. 11-12 correspond to reading image data for recording at a digital zoom magnification of 2x (partial-frame mode). *See* page 21, lines 20 to page 22, lines 13.
- Figs. 13-14 correspond to reading image data for display (*i.e.*, “unless an instruction to record is given”) at a digital zoom magnification of 2x (partial-frame mode) and a display magnification of 2x. *See* page 22, lines 24 to page 23, line 10.
- Figs 15-16 correspond to another method of reading image data for display (*i.e.*, “unless an instruction to record is given”) at a digital zoom magnification of 2x (partial-frame mode) and a display magnification of 2x. *See* page 23, line 11 to page 24, line 4.
- Figs. 17-18 correspond to reading image data for display (*i.e.*, “unless an instruction to record is given”) at a digital zoom magnification of 2x

(partial-frame mode) and a display magnification of 4x. *See* page 24, line 5-23.

- Fig. 19 corresponds to reading image data for recording at digital zoom magnification of 4x (partial-frame mode). *See* page 24, line 24 to page 25, line 11.
- Fig. 20 corresponds to reading image data for recording at a digital zoom magnification of 1.5x (partial-frame mode). *See* page 25, lines 12-18.
- Fig. 21 corresponds to reading image data for display (*i.e.*, “unless an instruction to record is given”) without digital zoom (whole-frame mode) and at a display magnification of 4x. *See* page 25, line 19 to page 26, line 4.
- Fig. 22 also corresponds to reading image data for display (*i.e.*, “unless an instruction to record is given”) without digital zoom (whole-frame mode) and with a display magnification of 4x. *See* page 26, lines 5 to page 27, line 2.

As discussed above, the inventions disclosed in the present patent application are digital cameras that use different techniques to read image data from the image sensor based on whether the image is being recorded or displayed, on the amount of digital zoom, and possibly on the amount of display magnification. Claim 1 recites, *inter alia*, “the controller and/or circuit produces the image data of the image for display by reading out the electric charges from selected rows of pixels, the selected rows of pixels being interspersed with non-selected rows of pixels over the entire image sensor”. That is, the digital camera reads selected rows, which are interspersed with non-selected rows, from the entire image sensor when the image is for display. Claim 1 further recites that “the controller and/or circuit ... when the partial recording mode is chosen, produces the image data of the image for recording by reading out the electric charges from all rows of pixels located within a predetermined area on the image sensor”. That is, when the camera is in a partial-frame recording mode (*i.e.* using digital zoom), the camera reads all rows within a predetermined area of the sensor.

An embodiment of the invention corresponding to claim 1 is described in the specification at page 3, line 16 to page 6, line 15. Thus, claim 1 encompasses an embodiment of the invention described in the specification. The scope of claim 1 encompasses a single disclosed species; therefore, pursuant to MPEP § 806.04(e), it is a “*specific species claim*”.

In light of the forgoing, it is respectfully requested that the objection to claim 1 be reconsidered and withdrawn.

35 U.S.C. § 102(e) Rejection

The rejection of claim 1 under 35 U.S.C. § 102(e) as being anticipated by Misawa, is respectfully traversed based on the following.

In the Office Action, claim 1 has been interpreted as requiring that “the controller ..., when the partial [frame] recording mode is chosen, produces the image data for recording by reading out the electric charges from selected rows of pixels located within a predetermined area on the image sensor.” However, claim 1 clearly requires that “when the partial recording mode is chosen, [the controller] produces the image data of the image for recording by reading out the electric charges from all rows of pixels located within a predetermined area on the image sensor”. As applied, Misawa fails to disclose all elements of the claimed invention. It is respectfully submitted, therefore, that Misawa is distinguished by claim 1.

Accordingly, it is respectfully requested that the rejection of claim 1 under 35 U.S.C. § 102(e) as being anticipated by Misawa, be reconsidered and withdrawn.

Application No. 09/817,545
Response Under 37 C.F.R. § 1.116 dated June 8, 2006
Reply to Office Action of March 16, 2006


CONCLUSION

Wherefore, in view of the foregoing remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee, and not submitted herewith should be charged to Sidley Austin LLP Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

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